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PATENT
Attorney Docket No.: 18928-1-1

Assistant Commissioner for Patents
Washington, D.C. 20231



On May 7, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Julie Taylor Clagh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Takashi Kosaka, et al.

Application No.: 09/839,878

Filed: April 20, 2001

For: SYSTEM FOR MODIFYING THE
FUNCTIONALITY OF COMPILED
COMPUTER CODE AT RUN-TIME

Examiner: Unassigned

Art Unit: Unassigned

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Box: DAC
Washington, D.C. 20231

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Sir:


Pursuant to the Decision on Petition mailed March 14, 2002, enclosed is a copy of the Decision granting Rule 47 Status in parent patent application no. 09/183,797.

On April 8, 2002, attorneys for petitioner mailed a copy of a declaration in the above application to inventor Plate's last known address. A copy of the letter, receipt showing delivery by certified mail and declaration setting forth all joint inventors on the same page, is attached hereto.

On May 3, 2002, inventor Plate sent a letter in response to attorneys for petitioner, a copy of which is attached hereto, expressly refusing to sign the declaration.

Thus, attorneys for petitioner respectfully request that petitioner be entitled to Rule 47 Status in the above application.

Respectfully submitted,


Charles J. Kulas
Reg. No. 35,809

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
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Tel: (415) 576-0200
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CJK:jtc
SF 1343924 v1

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Charles J. Kulas
Townsend and Townsend and Crew LLP
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San Francisco, California 94111-3834

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JAN 24 2002

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In re Application of:
Kosaka et al
Application No. 09/183,797
Filed: 30 October 1998
Attorney Docket No. 18928-1US

:
:
: DECISION GRANTING STATUS
: UNDER 37 C.F.R. §1.47(a)
:
:

This is in response to the petition under 37 C.F.R. §1.47(a) filed herein on 19 April 1999.

Petitioner has submitted the Petition under 37 C.F.R. §1.47(a). The Petition is accompanied by the fee set forth in 37 C.F.R. §1.17(h), the non-signing inventor's last known address, proof of the proprietary interest of SegaSoft, Inc as the assignee of the invention and proof of the pertinent facts.

The pertinent facts and proof are as follows:

Two letters dated January 5, 1999 and October 20, 1998 were addressed to the last known address of Michael Plate, the non-signing inventor, and are submitted with the Petition;

Mr. Charles J. Kulas (Registration No. 35,806) states that the letters indicated that the lack of a response from Mr. Plate would be interpreted as a refusal to sign and that the application would proceed without Mr. Plate's signature;

The January 5, 1999 letter was sent by certified mail, return receipt requested, and a copy of the return receipt signed by a Sylvia V. Laminzia is submitted with the Petition; and

The January 5, 1999 letter specifically states that a copy of the application as filed as well as documents for the signature of Mr. Plate are enclosed with the letter.

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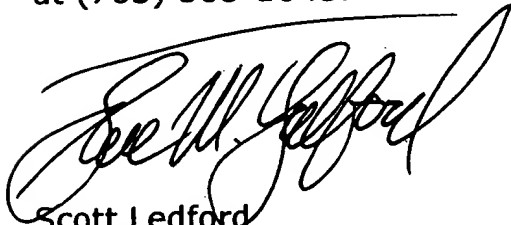
The Petition is *granted*.

This application and papers have been reviewed and found in compliance with 37 C.F.R. 1.47(a). This application is hereby **ACCORDED Rule 1.47(a) status**.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This file is being forwarded to the Allowed Files Warehouse.

Telephone inquiries concerning this matter may be directed to Susan Ungar at (703) 305-1645.



Scott Ledford
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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CJK@Townsend.com

April 8, 2002

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Plate
39120 Argonaut Way, Suite 353
Fremont, CA 94538

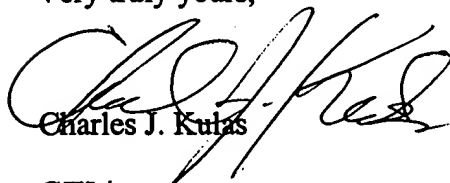
Re: Continuation Patent Application No. 09/839,878
For: SYSTEM FOR MODIFYING THE
FUNCTIONALITY OF COMPILED COMPUTER
CODE AT RUN-TIME
Filed: April 20, 2001
Our File No.: 018928-000110US

Dear Mr. Plate:

Enclosed for your signature is a Declaration and Assignment regarding the above-referenced continuation patent application of which you are a co-inventor. Also enclosed for your convenience is a copy of the application and preliminary amendment as filed.

Please sign these two documents where indicated and return them to us in the enclosed, postage paid, envelope as soon as possible. If you do not intend to sign documents, would you be so kind as to provide us with a written statement to that effect. Please provide us with either your written statement or the signed documents by May 6, 2002 as we have an upcoming deadline to file these documents.

Very truly yours,


Charles J. Kulas

CJK:jtc

Encls.: Declaration, Assignment, Return Postage Paid Envelope,
Application as filed (Drawings and Appendix) and Preliminary Amendment

SF 1333036 v1

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

michael plate
39120 ARGONAUT WAY
Suite 353
Fremont, CA 94538

7000 2870 0000 6860 5500

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

[Signature]

D. Is delivery address different from item 1? ☐ Yes
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4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

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DECLARATION

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As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM FOR MODIFYING THE FUNCTIONALITY OF COMPILED COMPUTER CODE AT RUN-TIME** the specification of which was filed on April 20, 2001 as Application No. 09/839,978.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/183,797	October 30, 1998	Issued

Full Name of Inventor 1:	Last Name: KOSAKA	First Name: TAKASHI	Middle Name or Initial:	
Residence & Citizenship:	City: San Carlos	State/Foreign Country: California	Country of Citizenship: Japan	
Post Office Address:	Post Office Address: 2636 San Carlos Avenue	City: San Carlos	State/Country: California	Postal Code: 94070
Full Name of Inventor 2:	Last Name: PLATE	First Name: MICHAEL	Middle Name or Initial:	
Residence & Citizenship:	City: Fremont	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 39120 Argonaut Way, Suite 353	City: Fremont	State/Country: California	Postal Code: 94538

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2
<u>Takashi Kosaka</u>	<u>Michael Plate</u>
Date	Date

SF 1333026 v1



May 3, 2002

Charles J. Kulas
Townsend and Townsend and Crew
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

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Dear Mr. Kulas:

In response to your request for my signature on the documents you sent me, I respectfully decline to do so. When this issue initially arose, some years ago, I exercised a clause in my contract with Segasoft to terminate said contract by delivering, in writing, my intention to do so. This written termination of the contract was delivered to Clay Swartz, then an officer of Segasoft. Thus, I do not consider myself obligated to assist Segasoft with the patent process for DynaPlay. Neither do I feel disposed to do so given the nature of my relationship with Segasoft at the time of my contract's termination.

I'm glad to see that DynaPlay has been awarded a patent and I am proud of the work that I did on DynaPlay while at Segasoft. If you get the chance, say hello to Takashi for me. I wish him all the best.

Sincerely,

Michael Plate

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